

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Jesus Guerrero-Cayetano,)

A202 160 127)Defendant)

Case No. 17-9376 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 28, 2017, in the County of Maricopa in the District of Arizona,
he defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jesus Guerrero-Cayetano, an alien, was found in the United States of America at or near Gila Bend, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Eagle Pass, Texas, on or about December 19, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Border Patrol Agent with U.S. Customs and Border Protection.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference HereinREVIEWED BY: ^{CEB} Charles E. Bailey Jr., P.S. for AUSA Margaret Perlmeier☒ Continued on the attached sheet.

Reviewed, approved, and signed in person.

Date: August 29, 2017City and state: Phoenix, Arizona

Complainant's signature

Jimmy X. Cepeda

U.S. Border Patrol Agent

Printed name and title

Judge's signature

Eileen S. Willett

United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Jimmy X. Cepeda, being duly sworn, hereby depose and state as follows:

1. Your affiant is a United States Border Patrol agent. I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 28, 2017, Border Patrol Agent A. Marazzo encountered an individual near Gila Bend, in the District of Arizona. The agent identified himself as a Border Patrol agent and performed an immigration inspection on the individual. The individual, later identified as Jesus Guerrero-Cayetano, admitted to being a citizen and national of a country other than the United States, unlawfully present in the United States. Guerrero-Cayetano was transported to the Ajo Border Patrol Station for further processing. Guerrero-Cayetano was held in administrative custody until his identity could be confirmed along with his immigration and criminal history.
3. Immigration history checks revealed Jesus Guerrero-Cayetano to be a citizen of Mexico and a previously deported alien. Guerrero-Cayetano was removed from the United States to Mexico through Eagle Pass, Texas, on or about December 19, 2015, pursuant to a removal order issued by an immigration official. There is no record of Jesus Guerrero-Cayetano in any Department of Homeland Security database to

suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Jesus Guerrero-Cayetano's immigration history was matched to him by electronic fingerprint comparison.

4. On August 28, 2017, Jesus Guerrero-Cayetano was advised of his constitutional rights. Guerrero-Cayetano freely and willingly acknowledged his rights and declined to answer questions or provide a statement under oath.

5. For these reasons, this affiant submits that there is probable cause to believe that on or about August 28, 2017, Jesus Guerrero-Cayetano, an alien, was found in the United States of America at or near Gila Bend, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

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at or near Eagle Pass, Texas, on or about December 19, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Jimmy X. Cepeda
United States Border Patrol Agent

Sworn to and subscribed before me
this 29th day of August, 2017.



Eileen S. Willett
United States Magistrate Judge